S. B. CIVIL MISC. TRANSFER PETITION NO.41/2006
(Smt. Krishna Kanwar @ Mamta v. Ashok Kumar @ Ashok Singh)

Date of Order: : 06-02-2007

HON'BLE MR. JUSTICE PRAKASH TATIA

Mr.D.S.Udawat) for Petitioner.
Mr.B.S.Mertia)

No-body appeared on behalf of the non-petitioner, despite service by Registered Post. The petitioner is young lady of 27 years age. She is residing at Pali 300 km. away from Jaipur, where the divorce petition filed by the non-petitioner against the petitioner is pending in Family Court No.2, Jaipur. The petitioner sought transfer of the divorce petition on the grounds that she is young lady and cannot travel to attend the Court at Jaipur which is 300 km. away from her residence. She has no-body to assist her. It is also submitted that she also filed application under Section 125, Cr.P.C., for getting the maintenance which is pending in the Family Court, Jodhpur. She also submitted that non-petitioner is able bodied person and can attend the Court at Jodhpur. The notices were issued to the non-petitioner and further proceeding in the court below was stayed by order dated 17th October, 2006. Despite stay of the proceedings in the trial Court and personal service upon the non-petitioner by Registered Post, the non-petitioner is not opposing the transfer

of divorce petition. Otherwise also, looking to the facts of the case mentioned above, it will be in the interest of justice to transfer the case from Family Court No.2, Jaipur to the Family Court, Jodhpur.

Therefore, the transfer petition is allowed. The petitioner's petition No.245/2006 (Ashok Kumar @ Ashok Singh v. Krishna Kanwar @ Mamta) is hereby withdrawn from Family Court No.2, Jaipur and is hereby transferred to the Family Court, Jodhpur, for deciding in accordance with law.

(PRAKASH TATIA), J.

Scd.